

REMARKS

Claims 1-27, 36-40, and 56-64 are cancelled; new claim 65 is added. Claims 28, 30, 31 and 54 have been amended to clarify and further define the present invention. No new matter has been added by virtue of this amendment. Support therefore can be found throughout the specification and in the original claims of the application. In particular, basis for new claim 65 can be found in Example 2, page 28, lines 6-10; support for the amendment to claim 28 is established, for example, on page 6, lines 9-17; and support for the amendment to claim 30 is found at page 7, lines 22-31.

Applicants also submit that the amendments may be properly entered at this time, i.e., after final rejection pursuant to 37 C.F.R. §1.116 because the amendments do not raise any new issues or require a new search and they reduce the issues for appeal. For instance, the claims as amended herein are within the scope of the prior search. It is also believed the application is in condition for allowance. Entry of the amendments is earnestly solicited.

Referring now to the Office Action, claims 29-31, 50, 54, and 60 stand rejected under 35 USC §112, 2nd paragraph.

Claim 60 has been cancelled and Applicants have amended claims 28, 30, 31 and 54 in order to further define and clarify the features of the present invention. In particular, the noted claims have been amended to consistently recite that the active enamel substance is administered to a non-mineralized tissue recipient bed or lesion.

Given the amendment to base claim 28, it is not believed that any further amendment to claims 29 or 50 is necessitated. For instance, claim 29 does not describe the application of the active enamel substances to the graft bed *per se*. Rather, claim 29 refers to the graft bed area as a reference for calculating how much active substance is to be applied during the grafting procedure. As will be appreciated by the skilled artisan, the graft itself has to be of a suitable

size to fit the recipient bed. Thus, it is respectfully submitted that the subject matter of claim 29 is abundantly clear and definite. Likewise, the subject matter of claim 50 is definite and would be readily understood by the skilled artisan when read in view of the supporting specification. In brief, the active enamel substances may form aggregates, even if they were originally applied onto the graft in non-aggregated form. Whether or not a graft is considered to be an *in vivo* site, the end result is that the graft will be placed on the recipient bed of a living mammal. In any event, in one preferred aspect of the invention, it would be desirable for the active enamel substances to form aggregates. (See the related discussion at page 13, lines 28-30 of the specification.)

Reconsideration and withdrawal of each of the rejections under 35 USC §112, 2nd paragraph are therefore requested.

Claims 28-35, 41-55 and 60 stand rejected under 35 USC §112, 1st paragraph.

Applicants submit that the noted claims fully satisfy the requirements of 35 USC §112, 1st paragraph, including the written description requirement, for the reasons already made of record. However, in order to expedite allowance of the application, claim 60 has been cancelled and independent claim 28 has been amended to recite that the active enamel substance is administered to a non-mineralized tissue recipient bed or lesion. Such amendment is amply supported in the specification at page 6, lines 9-17. Claims 30, 31 and 54 also have been amended for clarity and consistency, as noted above.

The Office Action also requests that Applicant provide specific identification of support in the specification for certain text recited in claim 28. In particular, identification of support is required for the Markush group: "the group consisting of a suitable donor, a cell culture and a suitable tissue". Accordingly, attention is directed to the specification respectively, at

S. Lyngstadaas et al.
U.S.S.N. 09/521,907
Page 8

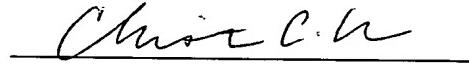
page 3, lines 1-2, page 3, lines 20-29 and page 2, lines 13-19, wherein support for each component of the Markush group is found.

The Office Action goes on to state that Applicant has not adequately addressed previous new matter rejection of claims 61 and 63. It is noted that claims 61-63 have been cancelled, thus rendering the rejection moot.

It is submitted that each of the rejections under 35 USC §112, 1st paragraph are properly withdrawn in view of the amendments herein and the clarification/discussion provided above. Reconsideration and withdrawal of these rejections are therefore requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



Christine C. O'Day
(Reg. No.: 38,256)
EDWARD & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Tel. (617) 439-4444